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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Angola,* Argentina, Armenia,* Australia,* Austria,* Belgium,* Bolivia (Plurinational State of), Bulgaria,* Canada,* Costa Rica,* Croatia,*, Cuba, Cyprus,* Denmark,* Estonia, Ethiopia, Finland,* France, Georgia,* Germany, Greece,* Guatemala,* Honduras,* Hungary,* Iceland,* Ireland, Israel,* Italy,* Latvia, Lithuania,* Luxembourg,* Maldives, Malta,* Mexico, Montenegro, Netherlands, New Zealand,* Nicaragua,* Niger,* Panama,* Paraguay, Peru,* Portugal, Serbia,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay,* Venezuela (Bolivarian Republic of):* draft resolution

28/... The right of persons with disabilities to live independently and be included in the community on an equal basis with others

The Human Rights Council,

Recalling the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto,

Recalling also the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 25/20 of 28 March 2014, and welcoming the efforts of all stakeholders to implement those resolutions,

Recalling in particular that article 19 of the Convention on the Rights of Persons with Disabilities reaffirms the right of persons with disabilities to live independently and be included in the community on an equal basis with others, and provides that, with a view to realizing this right without discrimination, States parties shall take effective and appropriate

* Non-member State of the Human Rights Council.

measures to facilitate the full inclusion and participation in the community of persons with disabilities,

Recalling the general principles reflected in the Convention on the Rights of Persons with Disabilities, namely respect for inherent dignity, individual autonomy and independence, and full and effective participation and inclusion in society,

Emphasizing that the enjoyment of the right to living independently and being included in the community on an equal basis with others is closely linked to the enjoyment of the full range of human rights by persons with disabilities,

Recognizing that progress has been made, yet deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in exercising their right to live independently and be included in the community on an equal basis with others,

Emphasizing that access to physical environment, transportation, information and communications, including information and communications technology, as well as other services and facilities provided to public, are a key to independent, autonomous living and equal participation in society by persons with disabilities,

Welcoming the work undertaken by the task force on secretariat services, accessibility for persons with disabilities and use of information technology of the Human Rights Council, and encouraging it to report orally to the Council on the progress made on the full implementation of the recommendations contained in its report[1] and its future work,

Deeply concerned at the negative impact of laws or practices on the rights of persons with disabilities that deprive them of their legal capacity or allow for their forced institutionalization on the basis of a real or perceived disability,

Deeply concerned also that girls and women of all ages with disabilities are subject to multiple, aggravated or intersecting forms of discrimination, and bearing in mind the particular risk of segregation, violence and abuse against women and girls with disabilities,

Noting the ongoing preparations for the post-2015 development agenda and its consideration of persons with disabilities both in the report of the Open Working Group of the General Assembly on Sustainable Development Goals[2] and the report of the Secretary-General entitled "A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015",[3]

Recalling the high-level meeting of the General Assembly held on 23 September 2013 on disability and development and its outcome document,

Welcoming the appointment of the Special Rapporteur on the rights of persons with disabilities, and her report,[4]

1. *Welcomes* the fact that, to date, 159 States have signed and 151 States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that 92 States have signed and 85 States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

[1] A/HRC/21/CRP.1, A/HRC/23/CRP.2.
[2] A/68/970.
[3] A/68/202.
[4] A/HRC/28/58.

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on the right of persons with disabilities to live independently and be included in the community prepared by the Office of the United Nations High Commissioner for Human Rights,[5] and calls upon all stakeholders to consider its findings and recommendations, with a view to their implementation, as appropriate;

4. *Calls upon* States that are not yet party to the Convention on the Rights of Persons with Disabilities to ensure that persons with disabilities can effectively and fully enjoy the right to living independently and being included in the community on an equal basis with others;

5. *Calls upon* States parties to take effective and appropriate measures to facilitate the full enjoyment by persons with disabilities of the right to live independently and be included in the community on an equal basis with others, and urges States parties, in furtherance of this objective to, inter alia:

(*a*) Guarantee equal recognition before the law of persons with disabilities and ensure that they have the opportunity to exercise control over their lives on an equal basis with others;

(*b*) Prevent isolation or segregation from the community of persons with disabilities, and in that regard take further measures towards their deinstitutionalization;

(*c*) Provide persons with disabilities with access to a range of support services that are responsive to their individual choices, wishes and needs, including for their deinstitutionalization;

6. *Urges* States to take all appropriate measures to eliminate discrimination against women and girls with disabilities and to promote gender equality, in order to ensure the equal enjoyment of their rights, in particular to live independently and be fully included and participate in the community on an equal basis with others;

7. *Encourages* States to engage in international cooperation efforts aimed at enhancing their national capacities to fully guarantee the right of persons with disabilities to live independently and be included in the community on an equal basis with others, and invites the Office of the High Commissioner and relevant United Nations agencies to consider ways to foster international cooperation activities in this regard;

8. *Recognizes* the importance of international cooperation and its promotion in support of national efforts to promote the rights of persons with disabilities, including the right to live independently and be included in the community on an equal basis with others without discrimination, and in this regard encourages the mobilization of public and private resources on a sustainable basis to mainstream disability in development and underlines the need to promote and strengthen international cooperation at all levels, the exchange of good practices and partnerships for disability-inclusive development;

9. *Calls upon* States to ensure that all international cooperation is inclusive of persons with disabilities and does not contribute to creating new barriers for them;

10. *Also calls upon* States to consider becoming party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;

[5] A/HRC/28/37.

11. *Decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its thirty-first session and that it will focus on article 11 of the Convention on the Rights of Persons with Disabilities, on situations of risk and humanitarian emergencies, and will have international sign interpretation and captioning;

12. *Requests* the Office of the High Commissioner to prepare its annual study on the rights of persons with disabilities on article 11 of the Convention, on situations of risk and humanitarian emergencies, and in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on the rights of persons with disabilities, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requests that such stakeholder contributions, and the study and an easy-to-read-version of it, be made available on the website of the Office, in an accessible format, prior to the thirty-first session of the Human Rights Council;

13. *Also decides* to make the resolution on the rights of persons with disabilities biennial as of the thirty-first session, with its subsequent consideration at the thirty-seventh session;

14. *Urges* States to consider further integrating and mainstreaming the perspective and rights of persons with disabilities into the work of the Human Rights Council;

15. *Encourages* representative organizations of persons with disabilities, civil society, national monitoring bodies and human rights institutions to participate actively in the debate referred to in paragraph 11 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

16. *Invites* the Conference of State Parties to the Convention on the Rights of Persons with Disabilities to consider, in accordance with its mandate, the outcome document of the World Conference on Disaster Risk Reduction, held in Sendai, Japan, in March 2015, and the World Humanitarian Summit, which will be held in Istanbul in May 2016, in relation to article 11 of the Convention;

17. *Requests* the Secretary-General, the High Commissioner and United Nations offices to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities;

18. *Requests* the Secretary-General to continue to ensure that the work of the Office of the High Commissioner with respect to the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks.

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23 March 2015

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Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Albania, Andorra,* Australia,* Austria,* Belgium,* Botswana, Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia, Finland,* France, Georgia,* Germany, Greece,* Guatemala,* Hungary,* Iceland,* Ireland, Israel,* Italy,* Japan, Jordan,* Kuwait,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Maldives, Malta,* Monaco,* Morocco, Netherlands, New Zealand,* Norway,* Poland,* Portugal, Republic of Korea, Romania,* Qatar, Saudi Arabia, Saint Kitts and Nevis,* Slovakia,* Slovenia,* Spain,* Sweden,* Turkey,* United Kingdom of Great Britain and Northern Ireland, United States America: draft resolution

28/...The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Condemning the grave deterioration of the human rights situation and the indiscriminate killing or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic and the report into the credibility of certain evidence with regard to torture and execution of persons incarcerated by the current Syrian regime[1] regarding the allegations contained in the evidence presented by "Caesar" in January 2014, on the torture and execution of persons incarcerated by the Syrian regime,

* Non-member State of the Human Rights Council.

[1] S/2014/244, annex.

Welcoming the efforts of the Special Envoy of the Secretary-General for the Syrian Arab Republic, and expressing full support for the diplomatic efforts of the Special Envoy aimed at finding a political solution on the basis of the Geneva communiqué, including for the formation of a transitional governing body with full executive powers,

Recalling the statements made by the Commission of Inquiry and the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, and noting the repeated encouragement by the Commission to the Security Council to refer the situation to the International Criminal Court,

Condemning the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

1. *Welcomes* the reports of the Independent International Commission of Inquiry on the Syrian Arab Republic, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of the future accountability efforts, in particular, the information on alleged perpetrators violating international law;

2. *Demands* that the Syrian authorities cooperate fully with the Commission of Inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

3. *Decides* to extend for one year the mandate of the Commission of Inquiry, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable;

4. *Requests* the Commission of Inquiry to provide an oral update during an interactive dialogue at the twenty-ninth session of the Human Rights Council and to present written updated reports during the interactive dialogues at the thirtieth and thirty-first sessions;

5. *Strongly deplores* the suffering and torture in prisons and detention facilities throughout the Syrian Arab Republic as depicted in the reports of the Commission of Inquiry and the Office of the United Nations High Commissioner for Human Rights, demands that the Syrian authorities immediately release all persons arbitrarily detained and ensure that detention conditions are consistent with international law, and calls upon the Syrian authorities to publish a list of all prisons and detention facilities;

6. *Strongly condemns* practices including abductions, hostage-taking, incommunicado detention, torture, sexual violence, the brutal killing of civilians and summary executions carried out by regime forces and affiliated militias, non-State armed groups, as well as terrorist groups, most notably the so-called Islamic State in Iraq and the Levant (Daesh) and al-Nusra Front, and underlines that such acts may amount to crimes against humanity;

7. *Calls upon* the international community to support the leadership and full participation of women in all efforts aimed at finding a political solution in the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000 and 2122 (2013) of 18 October 2013, and encourages the Special Envoy of the Secretary-General for the Syrian Arab Republic to conduct consultations with a broad range of actors, including women-led organizations;

8. *Strongly condemns* the continuing escalation of violence in the Syrian Arab Republic, which has caused more than 200,000 fatalities, and in particular the continued widespread and systematic gross violations and abuses of human rights and violations of international humanitarian law, including those involving the continued use of heavy weapons and aerial bombardments, such as the indiscriminate use of ballistic missiles, cluster munitions, barrel and vacuum bombs and chlorine gas, and the starvation of civilians as a method of combat by the Syrian authorities against the Syrian population;

9. *Also strongly condemns* the use of chemical weapons in the Syrian Arab Republic, which is prohibited under international law, and demands that the Syrian Arab Republic respect fully its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the decision of the Executive Council of the Organization for the Prohibition of Chemical Weapons of 27 September 2013 and Security Council resolution 2118 (2013), also of 27 September 2013, requiring it to declare its programme in full and to eliminate it in its entirety;

10. *Notes with grave concern* the recent findings of the fact-finding mission of the Organization for the Prohibition of Chemical Weapons and the Commission of Inquiry regarding the repeated use of chlorine gas as a chemical weapon in the Syrian Arab Republic, recognizes that such use of chlorine gas by the Syrian authorities constitutes a violation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and expresses its strong conviction that those individuals responsible for the use of chemical weapons must be held accountable, as stressed by the Security Council in its resolution 2118 (2013) and expressed by the Executive Council of the Organization for the Prohibition of Chemical Weapons in its decision of 4 February 2015;

11. *Expresses grave concern* at the use of force by the Syrian authorities against civilians, which has caused immense human suffering and displacement, has fomented the spread of extremism and extremist groups and has demonstrated the failure of the Syrian authorities to protect the Syrian population and to implement the relevant resolutions and decisions of the United Nations bodies;

12. *Condemns in the strongest terms* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), its violent extremist ideology and its continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law, and reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization;

13. *Strongly condemns* the intervention in the Syrian Arab Republic of all foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian regime, particularly militia groups such as Hizbullah, Asa'ib Ahl al-Haq and Liwa' Abu al-Fadl al-Abbas, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

14. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed against the civilian population, calls upon all groups in the Syrian Arab Republic to refrain from retaliation and violence and to take all necessary steps to protect civilians, including by demilitarizing medical facilities and schools, and urges all parties to the conflict to comply with their obligations under international humanitarian law and to respect human rights;

15. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, and calls upon all parties to fully respect international law;

16. *Notes with grave concern* the reporting of the Commission of Inquiry, including on the number and type of crimes committed, in which the Commission assesses that crimes against humanity and war crimes have been and continue to be committed in the territory of the Syrian Arab Republic;

17. *Recalls* that the International Criminal Court was established to help to end impunity for such crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

18. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

19. *Takes note* of the ongoing efforts by those journalists and human rights defenders who provide information about human rights violations and abuses inside the Syrian Arab Republic, despite the grave risks;

20. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

21. *Demands* that the Syrian authorities and all other parties to the conflict comply with their obligations under Security Council resolutions 2139 (2014) of 22 February 2014, 2165 (2014) of 14 July 2014 and 2191 (2014) of 17 December 2014, in order to enable the immediate and unhindered delivery of humanitarian assistance directly to people throughout the Syrian Arab Republic by United Nations agencies and their implementing partners;

22. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community, including all donors, to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees while emphasizing the principle of burden-sharing;

23. *Welcomes* the offer from Kuwait to host the third International Humanitarian Pledging Conference for Syria on 31 March 2015, expresses its appreciation to donor States, and calls upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to fulfil all previous pledges;

24. *Reiterates* that a genuine political transition based on the Geneva communiqué is needed to end the conflict in the Syrian Arab Republic, and encourages the international community to take appropriate steps to that end;

25. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, recommends that the Commission brief the General Assembly during its sixty-ninth session, also recommends that the Assembly submit the reports to the Security Council for appropriate action, expresses its appreciation to the Commission for its briefings to members of the Council, and recommends the continuation of future briefings;

26. *Also decides* to remain seized of the matter.

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Human Rights Council
Twenty-eighth session
Agenda item 10
Technical assistance and capacity-building

Algeria (on behalf of the Group of African States), Australia,* Bahrain* (on behalf of the Group of Arab States), Belgium,* Bulgaria,* Croatia,* Denmark,* Estonia, Finland,* France, Germany, Greece,* Hungary,* Italy,* Lithuania,* Luxembourg,* Malta,* Netherlands, Norway,* Spain,* United Kingdom of Great Britain and Northern Ireland: draft resolution

28/... Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Recalling all previous relevant Human Rights Council resolutions on Libya,

Taking note with appreciation of the joint reports of the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights of 4 September and 23 December 2014, and the High Commissioner's statement of 14 October 2014 condemning attacks on human rights defenders, political activists, bloggers and media professionals in Libya,

Welcoming the steps taken by the interim Government in Libya to address human rights issues, including the promulgation of a transitional justice law on 8 December 2013, the law against torture and discrimination on 9 April 2013 and the decree to redress the situation of victims of rape and other violence on 19 February 2014, while expressing grave

* Non-member State of the Human Rights Council.

concern that, since January 2014, the security and political crises have undermined the transition to democracy, which is the aspiration of the Libyan people,

Expressing concern about the impact of the security and political crises and of terrorism on the people of Libya, including loss of life, mass displacement and its particular impact on women and children, damage to property and infrastructure including schools and hospitals, the use of schools as military bases and the shortages of medical supplies and treatment,

Expressing concern also about the impact of the security and political crises and of terrorism on migrants, in particular the increase in the number of deaths of migrants attempting to cross the Mediterranean,

Emphasizing the need for a political solution to the conflict, for an immediate ceasefire and for all parties to cease violence, expressing full support for the efforts led by the Special Representative of the Secretary-General for Libya to facilitate talks and establish a national unity government, and underscoring the importance of the equal and full participation of all parts of Libyan society, including women and youth, in the political process,

Reaffirming that those responsible for violations or abuses of human rights, violations of international humanitarian law and terrorism should be held accountable, and that counter-terrorism measures must be consistent with applicable international law,

1. *Condemns* all violations and abuses of human rights and violations of international humanitarian law, including those involving unlawful killings, indiscriminate shelling and attacks on civilians, abductions and assassinations, including of government officials, judges, human rights activists, journalists and members of civil society organizations, shelling of hospitals, looting of property, and restrictions on freedom of expression;

2. *Condemns in the strongest terms* the terrorist acts, hostage-taking and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh in Libya) and other terrorist organizations, their violent extremist ideology and their continued gross, systematic and widespread violations of human rights and violations and abuses of international humanitarian law, and reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant, cannot and should not be associated with any religion, nationality or civilization;

3. *Strongly urges* the Government of Libya to investigate human rights violations and abuses and to hold those responsible to account;

4. *Strongly urges* all parties immediately to cease violations and abuses and to engage fully in the United Nation-led dialogue for peace aimed at the establishment of a government of national unity, in order to avert further deterioration in the humanitarian crisis suffered by Libyans as a result of the conflict and to prevent the further erosion of the sovereignty and security of Libya, and urges all fighters and their leaders to declare that violations and abuses of human rights will not be tolerated and that individuals suspected of such acts will be removed from duty;

5. *Calls for* those responsible for violations or abuses of international human rights law, including sexual violence and violations and abuses against children, to be held accountable in accordance with international standards;

6. *Calls upon* the Government of Libya to increase efforts to end impunity, and notes its continued cooperation with the International Criminal Court to ensure that those responsible for violations of human rights and international humanitarian law, including attacks targeting civilians, are held accountable;

7. *Recognizes* the ongoing human rights challenges in Libya, strongly encourages the Government of Libya to increase its efforts to protect and promote human rights and prevent any violations or abuses, and in this regard calls upon the international community to provide assistance for Libyan efforts to establish the rule of law, due process and access to justice, including through capacity-building in the justice system to enable effective accountability;

8. *Urges* the international community to support the Government and the Parliament of Libya to fully assume their responsibilities to promote and protect the human rights of the Libyan people;

9. *Expresses grave concern* at the rise in the number of conflict-related detainees, including children, and at reports of torture and sexual and gender-based violence in detention centres, calls upon the Government urgently to increase its efforts to establish full and effective control over all detention centres, in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

10. *Welcomes* the commitment of the Government of Libya to human rights and its continued cooperation with the Human Rights Council and its mechanisms, including the wish expressed by the Government to continue its cooperation with the United Nations High Commissioner for Human Rights and to renew its invitation for him to visit Libya, and urges the Government:

(*a*) To take further steps to protect freedom of expression, ensuring the media can operate freely and without discrimination, to review the provisions of the Penal Code and other provisions that violate freedom of expression, and to abolish all Penal Code restrictions on free speech that stipulate imprisonment and the death penalty for "insults" to officials, the judiciary and the State, for "slander" and for blasphemy;

(*b*) To intensify efforts to prevent acts of torture, to investigate all allegations of torture, to hold those responsible to account, and to consider providing fair and adequate compensation for victims;

(*c*) To make further progress towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*d*) To promote the continued operation of the National Council for Civil Liberties and Human Rights in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(*e*) To participate openly and constructively in its upcoming universal periodic review;

(*f*) To further empower women and girls, including by ensuring their full participation in the electoral system, the police and the judiciary;

(*g*) To ensure the protection of cultural rights and freedom of religion and belief, in accordance with its international obligations, including by preventing all attacks on and destruction of cultural and religious sites in violation of international law, particularly those on the World Cultural and Natural Heritage List of the United Nations Educational, Scientific and Cultural Organization, and to prosecute those responsible for such attacks;

(*h*) To take further steps to guarantee freedom of association and assembly, including by reviewing the articles of the Penal Code that undermine freedom of association and by adopting a law for civil society organizations that is in accordance with

international standards on freedom of association, that ensures the protection of human rights defenders and that only includes legal limitations that comply with the international treaty obligations of Libya;

11. *Urges* the Government of Libya, the international community, the United Nations and all parties to the conflict to facilitate the full, equal and effective participation of women in all activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding in line with relevant Security Council resolutions, including resolutions 1325 (2000) and 2122 (2013);

12. *Encourages* the Libyan Constitutional Assembly to intensify its efforts to draft a constitution that protects the human rights of all, including women and members of all communities and vulnerable groups, and to ensure the participation of all members of society, including civil society organizations, as far as possible, in the process of drafting the constitution;

13. *Emphasizes* the importance of a broad-based and inclusive national dialogue in order to ensure a peaceful and sustainable democratic transition;

14. *Recognizes* the efforts made by States in tracing, freezing and recovering stolen assets and the importance of effective cooperation between the international community and the Libyan authorities in this regard, taking into account the potential of the recovery of these assets in helping the Libyan authorities to improve security, development and the realization of all the human rights of all Libyans;

15. *Takes note* of the final report of the international commission of inquiry on Libya,[1] and encourages the Government of Libya to implement fully the recommendations contained therein;

16. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya and on related technical support and capacity-building needs;[2]

17. *Recognizes* the security, political and economic challenges faced by the Government of Libya, which have been exacerbated by armed conflict;

18. *Requests* the High Commissioner urgently to dispatch a mission to investigate violations and abuses of international human rights law that have been committed in Libya since the beginning of 2014, and to establish the facts and circumstances of such abuses and violations, with a view to avoiding impunity and ensuring full accountability, in coordination with the United Nations Support Mission in Libya, inviting the assistance of relevant experts, particularly the National Council for Civil Liberties and Human Rights, and of special procedures mandate holders, and to submit to the Human Rights Council at its thirty-first session, under agenda item 10, a written report on its findings, which should also contain an update on technical assistance, capacity-building and cooperation with the Government of Libya, with recommendations for future capacity-building needs that include but are not limited to the justice system and accountability;

[1] A/HRC/19/68.
[2] A/HRC/28/51.

19. *Also requests* the High Commissioner to provide an oral update to the Council, to be followed by a stand-alone interactive dialogue during its thirtieth session, under agenda item 10, and invites the Special Representative of the Secretary-General for Libya to participate in the interactive dialogue, which should include a focus on ensuring accountability for human rights violations and abuses in Libya.

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Human Rights Council
Twenty-eighth session
Agenda item 10
Technical assistance and capacity-building

Algeria (on behalf of the Group of African States), Australia,* Bahrain* (on behalf of the Group of Arab States), Belgium,* Bulgaria,* Croatia,* Denmark,* Estonia, Finland,* France, Germany, Greece,* Hungary,* Italy,* Lithuania,* Luxembourg,* Malta,* Netherlands, Norway,* Poland,* Spain,* United Kingdom of Great Britain and Northern Ireland: draft resolution

28/... Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Recalling all previous relevant Human Rights Council resolutions on Libya,

Taking note with appreciation of the joint reports of the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights of 4 September and 23 December 2014, and the High Commissioner's statement of 14 October 2014 condemning attacks on human rights defenders, political activists, bloggers and media professionals in Libya,

Welcoming the steps taken by the interim Government in Libya to address human rights issues, including the promulgation of a transitional justice law on 8 December 2013, the law against torture and discrimination on 9 April 2013 and the decree to redress the situation of victims of rape and other violence on 19 February 2014, while expressing grave

* Non-member State of the Human Rights Council.

concern that, since January 2014, the security and political crisis have undermined the transition to democracy, which is the aspiration of the Libyan people,

Expressing concern about the impact of the security and political crisis and of terrorism on the people of Libya, including loss of life, mass displacement and its particular impact on women and children, damage to property and infrastructure including schools and hospitals, the use of schools as military bases and the shortages of medical supplies and treatment,

Expressing concern also about the impact of the security and political crises and of terrorism on migrants, in particular the increase in the number of deaths of migrants attempting to cross the Mediterranean,

Emphasizing the need for a political solution to the conflict, for an immediate ceasefire and for all parties to cease violence, expressing full support for the efforts led by the Special Representative of the Secretary-General for Libya to facilitate talks and establish a national unity government, and underscoring the importance of the equal and full participation of all parts of Libyan society, including women and youth, in the political process,

Reaffirming that those responsible for violations or abuses of human rights, violations of international humanitarian law and terrorism should be held accountable, and that counter-terrorism measures must be consistent with applicable international law,

1. *Condemns* all violations and abuses of human rights and violations of international humanitarian law, including those involving unlawful killings, indiscriminate shelling and attacks on civilians, abductions and assassinations, including of government officials, judges, human rights activists, journalists and members of civil society organizations, shelling of hospitals, looting of property, and restrictions on freedom of expression;

2. *Condemns in the strongest terms* the terrorist acts, hostage-taking and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh in Libya) and other terrorist organizations, their violent extremist ideology and their continued gross, systematic and widespread abuse of human rights and violations of international humanitarian law, and reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant, cannot and should not be associated with any religion, nationality or civilization;

3. *Strongly urges* the Government of Libya to investigate human rights violations and abuses and to hold those responsible to account;

4. *Strongly urges* all parties immediately to cease violations and abuses and to engage fully in the United Nation-led dialogue for peace aimed at the establishment of a government of national unity, in order to avert further deterioration in the humanitarian crisis suffered by Libyans as a result of the conflict and to prevent the further erosion of the sovereignty and security of Libya, and urges all fighters and their leaders to declare that violations and abuses of human rights will not be tolerated and that individuals suspected of such acts will be removed from duty;

5. *Calls for* those responsible for violations or abuses of international human rights law, including sexual violence and violations and abuses against children, to be held accountable in accordance with international standards;

6. *Calls upon* the Government of Libya to increase efforts to end impunity, and takes note of its continued cooperation with the International Criminal Court to ensure that those responsible for violations of human rights and international humanitarian law, including attacks targeting civilians, are held accountable;

7. *Recognizes* the ongoing human rights challenges in Libya, strongly encourages the Government of Libya to increase its efforts to protect and promote human rights and prevent any violations or abuses, and in this regard calls upon the international community to provide assistance for Libyan efforts to establish the rule of law, due process and access to justice, including through capacity-building in the justice system to enable effective accountability;

8. *Urges* the international community to support the Government and the Parliament of Libya to fully assume their responsibilities to promote and protect the human rights of the Libyan people;

9. *Expresses grave concern* at the rise in the number of conflict-related detainees, including children, and at reports of torture and sexual and gender-based violence in detention centres, calls upon the Government urgently to increase its efforts to establish full and effective control over all detention centres, in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

10. *Welcomes* the commitment of the Government of Libya to human rights and its continued cooperation with the Human Rights Council and its mechanisms, including the wish expressed by the Government to continue its cooperation with the United Nations High Commissioner for Human Rights and to renew its invitation for him to visit Libya, and urges the Government:

(*a*) To take further steps to protect freedom of expression, ensuring the media can operate freely and without discrimination, to review the provisions of the Penal Code and other provisions that violate freedom of expression, and to abolish all Penal Code restrictions on free speech that stipulate imprisonment and the death penalty for "insults" to officials, the judiciary and the State, for "slander" and for blasphemy;

(*b*) To intensify efforts to prevent acts of torture, to investigate all allegations of torture, to hold those responsible to account, and to consider providing fair and adequate compensation for victims;

(*c*) To make further progress towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*d*) To promote the continued operation of the National Council for Civil Liberties and Human Rights in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(*e*) To participate openly and constructively in its upcoming universal periodic review;

(*f*) To further empower women and girls, including by ensuring their full representation in politics, the police and the judiciary;

(*g*) To ensure the protection of cultural rights and freedom of religion and belief, in accordance with its international obligations, and to take appropriate steps to help to prevent all attacks on and destruction of cultural and religious sites in violation of international law, particularly those on the World Cultural and Natural Heritage List of the United Nations Educational, Scientific and Cultural Organization, and to prosecute those responsible for such attacks;

(*h*) To take further steps to guarantee freedom of association and assembly, including by reviewing the articles of the Penal Code that undermine freedom of

association and by adopting a law for civil society organizations that is in accordance with international standards on freedom of association, that ensures the protection of human rights defenders and that only includes legal limitations that comply with the international treaty obligations of Libya;

11. *Urges* the Government of Libya, the international community, the United Nations and all parties to the conflict to facilitate the full, equal and effective participation of women in all activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding in line with relevant Security Council resolutions, including resolutions 1325 (2000) and 2122 (2013);

12. *Encourages* the Libyan Constitutional Assembly to intensify its efforts to draft a constitution that protects the human rights of all, including women and members of all communities and vulnerable groups, and to ensure the participation of all members of society, including civil society organizations, as far as possible, in the process of drafting the constitution;

13. *Emphasizes* the importance of a broad-based and inclusive national dialogue in order to ensure a peaceful and sustainable democratic transition;

14. *Recognizes* the efforts made by States in tracing, freezing and recovering stolen assets and the importance of effective cooperation between the international community and the Libyan authorities in this regard, taking into account the potential of the recovery of these assets in helping the Libyan authorities to improve security, development and the realization of all the human rights of all Libyans;

15. *Takes note* of the final report of the international commission of inquiry on Libya,[1] and encourages the Government of Libya to implement fully the recommendations contained therein;

16. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in Libya and on related technical support and capacity-building needs;[2]

17. *Recognizes* the security, political and economic challenges faced by the Government of Libya, which have been exacerbated by armed conflict;

18. *Requests* the High Commissioner urgently to dispatch a mission to investigate violations and abuses of international human rights law that have been committed in Libya since the beginning of 2014, and to establish the facts and circumstances of such abuses and violations, with a view to avoiding impunity and ensuring full accountability, in coordination with the United Nations Support Mission in Libya, inviting the assistance of relevant experts, particularly the National Council for Civil Liberties and Human Rights, and of special procedures mandate holders, and to submit to the Human Rights Council at its thirty-first session, under agenda item 10, a written report on its findings, which should also contain an update on technical assistance, capacity-building and cooperation with the Government of Libya, with recommendations for future capacity-building needs that include but are not limited to the justice system and accountability;

[1] A/HRC/19/68.
[2] A/HRC/28/51.

19. *Also requests* the High Commissioner to provide an oral update to the Council, to be followed by a stand-alone interactive dialogue during its thirtieth session, under agenda item 10, and invites the Special Representative of the Secretary-General for Libya to participate in the interactive dialogue, which should include a focus on ensuring accountability for human rights violations and abuses in Libya.

United Nations A/HRC/28/L.8

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria (on behalf of the Group of African States): draft resolution

28/... The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Declaration on the Right to Development, the Vienna Declaration and Programme of Action and other relevant human rights instruments,

Recalling General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 11/11 of 18 June 2009 and 16/21 of 25 March 2011,

Recalling also General Assembly resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001, 57/244 of 20 December 2002, 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/1 of 16 September 2005, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009, 65/1 of 22 September 2010, 65/169 of 20 December 2010, 67/192 of 20 December 2012, 68/195 of 18 December 2013, 68/309 of 10 September 2014 and 69/199 of 18 December 2014,

Recalling further Human Rights Council resolutions 17/23 of 17 June 2011, 19/38 of 23 March 2012, 22/12 of 21 March 2013 and 25/9 of 27 March 2014,

Welcoming the entry into force on 14 December 2005 of the United Nations Convention against Corruption,

Reiterating the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Reaffirming that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law, and that in no case may a people be deprived of its own means of subsistence,

Recognizing that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger, and economic and sustainable development,

Alarmed at cases in which the proceeds of corruption-related crimes that involve vast quantities of assets may constitute a substantial proportion of the resources of States, the deprivation of which threatens the political stability and sustainable development of those States and has a negative impact on the application by States of the maximum available resources to the full realization of all human rights for all,

Deeply concerned that the enjoyment of human rights, be they economic, social and cultural, or civil and political, in particular the right to development, is seriously undermined by corruption and the transfer of funds of illicit origin, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development, especially when an inadequate national and international response leads to impunity,

Recalling the United Nations Convention against Corruption, underlining its central role in fostering international cooperation to facilitate the repatriation of the proceeds of corruption-related crimes, and stressing the need for universal adherence to the Convention and for its full implementation, as well as the full implementation of the resolutions and decisions of the Conference of the States Parties to the Convention, particularly those adopted at its fourth and fifth sessions,

Recalling also that the United Nations Convention against Corruption underlines that States parties should not decline to render mutual legal assistance, pursuant to the Convention, including on the ground of bank secrecy,

Taking note of the work carried out by different United Nations bodies, including the United Nations Office on Drugs and Crime, as well as international and regional organizations, in preventing and combating all forms of corruption,

Bearing in mind that the prevention and eradication of corruption is a responsibility of all States, and that States should cooperate with one another, in accordance with the United Nations Convention against Corruption, with the support and involvement of other stakeholders, as appropriate,

Encouraging all relevant United Nations mechanisms to continue their consideration of the negative impact of illicit financial flows on the enjoyment of human rights, to further explore policy responses to the phenomenon and to coordinate their efforts in this regard,

Recognizing that supportive domestic legal systems are essential in preventing and combating corrupt practices and the transfer of assets of illicit origin and in returning such assets, and recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to take efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III thereof,

Appreciating the continued efforts of the Conference of the States Parties to the United Nations Convention against Corruption, through its various intergovernmental working groups, to oversee the review process of the implementation of the Convention, to advise on the provision of technical assistance for building institutional and human capacity

in States parties for the prevention of corruption, and to enhance international cooperation, including in the repatriation of funds of illicit origin,

Affirming the responsibilities of requesting and requested States in the repatriation of funds of illicit origin, cognizant that countries of origin must seek repatriation as part of their duty to ensure the application of the maximum available resources to the full realization of all human rights for all, including the right to development, address human rights violations and combat impunity, and that recipient countries, on the other hand, have a duty to assist and facilitate repatriation, including through judicial assistance, as part of their obligation of international cooperation and assistance under chapters IV and V of the United Nations Convention against Corruption and in the field of human rights,

Recalling that the repatriation of funds of illicit origin requires the close and transparent coordination and cooperation of requesting and requested States, including between competent authorities, in particular the judicial authorities, within the shared responsibility to facilitate efficient international cooperation for the prompt recovery of assets of illicit origin,

Recalling also that article 2.1 of the International Covenant on Economic, Social and Cultural Rights notes the need for each State party to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, and article 3.3 of the Declaration on the Right to Development, which notes that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Affirming the commitment made at the 2005 World Summit and the 2010 high-level plenary meeting of the General Assembly on the Millennium Development Goals to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds,

Concerned at the difficulties, in particular the practical difficulties, that both requested and requesting States face in the repatriation of funds of illicit origin, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases may be difficult to prove, bearing in mind that everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law,

Acknowledging the progress made towards the implementation of the United Nations Convention against Corruption, while recognizing that States continue to face challenges in recovering funds of illicit origin owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of funds of illicit origin, noting the particular challenges in recovering them in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates, and recognizing that legal difficulties are often exacerbated by factual and institutional obstacles,

Noting with serious concern that, as highlighted in the interim report by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic,

social and cultural rights,[1] despite the scarcity of available public data, most illicit financial outflows are from developing countries; that, according to the Independent Expert in his interim study on illicit financial flows, human rights and the post-2015 development agenda,[2] recent studies indicate that developing countries lost $991 billion in illicit financial outflows in 2012, that those flows increased in real terms at a rate of 9.4 per cent per annum over the period 2003–2012, and that the annual loss is substantially more than the estimated yearly costs of achieving the Millennium Development Goals; and that, as indicated by the Special Rapporteur on extreme poverty and human rights in her report on taxation policies,[3] in 2011, developing countries lost $946.7 billion owing to illicit financial flows – a substantial portion of which relating to tax abuse – which, according to the Organization for Economic Cooperation and Development, was more than seven times the official development assistance for that year and substantially more than the estimated costs of achieving the Millennium Development Goals,

Noting with serious concern also that, as highlighted by the Independent Expert in his final report,[4] while official development assistance remains an important source of finance for poverty alleviation and development, the substantial amounts lost to illicit financial flows could help the efforts of developing countries to mobilize domestic resources for poverty alleviation, development and realization of human rights, and to reduce their dependence on external financing, which can lead to the erosion of ownership of national development agendas,

Welcoming the proposal of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda and of the Open Working Group of the General Assembly on Sustainable Development Goals to include in the future United Nations development agenda the goal to reduce significantly by 2030 illicit financial and arms flows, strengthen the recovery and return of stolen assets, and combat all forms of organized crime,

Noting the particular concern of developing countries and countries with economies in transition regarding the need to return assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V thereto, so as to enable countries to design and fund development projects in accordance with their national priorities in view of the importance that such assets can have to their sustainable development,

Convinced that the illicit acquisition of personal wealth can be particularly damaging to democratic institutions, national economies and the rule of law, and stressing that any resource that the State is deprived of because of corruption has potentially the same negative effect, regardless of whether it is exported or domestically retained,

1. *Welcomes* the interim study on illicit financial flows, human rights and the post-2015 development agenda prepared by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;[2]

2. *Encourages* all States to include a goal to reduce illicit financial flows in the final post-2015 development agenda;

3. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;

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[1] A/HRC/22/42 and Corr.1.
[2] A/HRC/28/60 and Corr.1.
[3] A/HRC/26/28 and Corr.1.
[4] A/HRC/25/52.

4. *Calls upon* States to consider enacting legislation to address offences by business enterprises, including multinational corporations, which deprive Governments of legitimate domestic sources of revenue for the implementation of their development agendas;

5. *Asserts* the urgent need to repatriate illicit funds to the countries of origin without conditionalities, in accordance with the United Nations Convention against Corruption and in line with the commitments made at the 2005 World Summit and the 2010 high-level plenary meeting of the General Assembly on the Millennium Development Goals to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and urges all States to step up their efforts to trace, freeze and recover those funds;

6. *Acknowledges* the importance of compliance with international human rights law in relation to the repatriation of funds of illicit origin by, inter alia, promoting human rights-based policy coherence in the deliberations and actions by States Members of the Human Rights Council and in the intergovernmental process of implementing the United Nations Convention against Corruption;

7. *Invites* the Conference of the States Parties to the United Nations Convention against Corruption to consider ways of adopting a human rights-based approach in the implementation of the Convention, including when dealing with the repatriation of funds of illicit origin, and appreciates the continued efforts of the Open-ended Intergovernmental Working Group on Asset Recovery of the Conference to assist States parties in fulfilling their obligations under the Convention to prevent, detect and deter in a more effective manner the international transfer of funds of illicit origin and to strengthen international cooperation in asset recovery, bearing in mind that, regardless of the capacities, resources and willingness of the requesting State's institutions and authorities, there is a victim society that is suffering the consequences of the transfer of those funds;

8. *Welcomes* the decision made at the fifth session of the Conference of the States Parties to the United Nations Convention against Corruption to renew the mandate of open-ended intergovernmental expert meetings on international cooperation to advise and assist States with regard to extradition and mutual legal assistance, and notes with appreciation the Stolen Assets Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, and encourages coordination among existing initiatives;

9. *Calls upon* States to consider establishing an intergovernmental working group on the negative impact of illicit financial flows on the enjoyment of human rights, and to further explore policy responses to the phenomenon;

10. *Realizes* that, while illicit financial outflows from the least developed countries may account for only a small portion of all outflows of funds of illicit origin worldwide, they have a particularly negative impact on social development and the realization of social, economic and cultural rights in these countries, given the size of their economies, and expresses deep concern that such outflows, as estimated by the United Nations Development Programme, exceed the total official development assistance received by many of the least developed countries and, in some cases, surpass their debt service payments;

11. *Underscores* that the repatriation of funds of illicit origin would provide States that have undergone regime change with a further opportunity to improve the realization of economic, social and cultural rights and to fulfil their obligation to meet the legitimate aspirations of their peoples;

12. *Acknowledges* the important role that civil society can play in exposing corruption and drawing attention to the negative impact of the non-repatriation of funds of illicit origin on the rule of law and the realization of economic, social and cultural rights, and reiterates in this context the obligation of States to protect reporting persons in accordance with article 33 of the United Nations Convention against Corruption and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

13. *Welcomes* recent national initiatives to adopt anti-money-laundering legislation as an important step in the fight against corruption and the willingness demonstrated by some States to cooperate in facilitating the repatriation of funds of illicit origin, and calls for more robust regulations in this regard, including through the implementation of policies aimed at reducing the flow of funds of illicit origin, ensuring their repatriation and the provision of technical assistance to developing countries;

14. *Calls for* further international cooperation through, inter alia, the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, in accordance with the principles of the United Nations Convention against Corruption, and in this regard encourages close cooperation at the national and international levels between anti-corruption agencies, law enforcement agencies and financial intelligence units;

15. *Calls upon* all States requested to repatriate funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to acknowledge that, in fulfilling their obligations in this regard under the United Nations Convention against Corruption, they also have a responsibility towards societies affected by corruption to make every effort to achieve the repatriation of funds of illicit origin to the countries of origin in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between anti-corruption agencies, law enforcement agencies and financial intelligence units, in particular taking into account the risks of dissipation of those funds and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

16. *Calls upon* all States requesting the repatriation of funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to apply the principles of accountability, transparency and participation in the decision-making process regarding the allocation of repatriated funds to the realization of economic, social and cultural rights in order to improve prevention and detection procedures, correct identified weaknesses or mismanagement, prevent impunity, provide effective remedies directed at creating conditions for avoiding new human rights violations and improve the overall administration of justice;

17. *Reaffirms* that it is the obligation of the State to investigate and prosecute corruption, calls upon all States to strengthen criminal proceedings directed at freezing or restraining funds of illicit origin, and encourages requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests and, in this context, encourages requested States to provide information on legal frameworks and procedures to the requesting State and to remove barriers to asset recovery, including by simplifying their legal procedures;

18. *Underlines* that there is also a corporate responsibility to comply with and respect all applicable laws and human rights, and a need for greater access to effective

remedies by victims in order to realize effective prevention of, and remedy for, business-related human rights harm, as set out in the Guiding Principles on Business and Human Rights;[5]

19. *Encourages* all States to share best practices and practical experiences in the freezing and recovery of funds of illicit origin;

20. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide, for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on the lessons learned from past cases;

21. *Stresses the need* for transparency in financial institutions and effective due diligence measures to be applied by financial intermediaries, calls upon States to seek appropriate means in accordance with their international obligations to ensure the cooperation and responsiveness of financial institutions to foreign requests to freeze and recover funds of illicit origin and the provision of an efficient mutual legal assistance regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

22. *Recalls* the importance of the mechanism for the review of implementation of the United Nations Convention against Corruption, and urges State parties to comply with their obligations in the conduct of the country reviews to enhance effective implementation of the Convention as a preventive measure for the outflow of illicit financial flows;

23. *Requests* the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, to continue to consider the impact of illicit financial flows on the enjoyment of human rights as part of the mandate;

24. *Also requests* the Independent Expert to convene an experts meeting, with the participation of States and other stakeholders, on the issue of the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, to include the outcome of that meeting in a study that he will present to the Human Rights Council at its thirty-first session, and to participate in the third International Conference on Financing for Development to highlight the links between illicit financial flows, development financing and human rights;

25. *Requests* the United Nations High Commissioner for Human Rights to provide all necessary assistance and financial resources, to allow the Independent Expert to carry out the mandate set out in the present resolution, and calls upon all relevant stakeholders, including States and United Nations bodies and agencies, as well as other international and regional entities, to cooperate fully with the Independent Expert in this regard;

26. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and different forums dealing with the issue of the repatriation of funds of illicit origin within the United Nations system for consideration and necessary action and coordination as appropriate, particularly within the context of the Conference of the States Parties to the United Nations Convention against Corruption;

[5] A/HRC/17/31, annex.

27. *Decides* to continue its consideration of this matter under the same agenda item.

United Nations A/HRC/28/L.9

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Human Rights Council
Twenty-eighth session
Agenda item 10
Technical assistance and capacity-building

Algeria (on behalf of the Group of African States), Bahrain* (on behalf of the Group of Arab States), Belgium,* Bulgaria,* Croatia,* Cyprus,* Finland,* France, Germany, Greece,* Hungary,* Italy,* Latvia, Luxembourg,* Monaco,* Netherlands, Romania,* Slovakia,* Slovenia,* Spain,* Thailand,* United Kingdom of Great Britain and Northern Ireland: draft resolution

28/...
Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012 on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established a mandate for an independent expert on the situation of human rights in Mali, and 25/36 of 28 March 2014, in which it extended the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the international covenants on human rights and other relevant international human rights instruments to which they are parties,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

* Non-member State of the Human Rights Council.

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Deeply concerned about the establishment of terrorist groups in the Sahel region, about continued armed attacks, about human rights abuses and violations in Mali, and about the security situation, which continue to hinder humanitarian access in the northern part of the country,

Welcoming the signing of the ceasefire agreement of 23 May 2014 and the declaration of cessation of hostilities of 19 February 2015,

Acknowledging the Peace and National Reconciliation Agreement signed in Algiers on 1 March 2015 upon the culmination of an inclusive process of international mediation between the Malian parties led by Algeria,

Noting the commitments made by the Government of Mali during various sessions of the Council to place priority on dialogue and national reconciliation in resolving the crisis,

Noting also the commitments made by the Government of Mali to restore the rule of law and to combat impunity effectively,

Noting further the initiation in January 2013 of an investigation by the Prosecutor of the International Criminal Court into crimes committed in the territory of Mali since January 2012, and recalling that it is important for all Malian stakeholders to lend the Court their support and cooperation,

Taking note with appreciation of the report of the Independent Expert on the situation of human rights in Mali,[1]

1. *Strongly condemns* the armed attacks and all acts of violence that have been perpetrated in Mali, particularly in the northern regions of the country, as well as the abuses and violations of human rights and international humanitarian law that have been committed against civilians, including women and children, and the recruitment of the latter;

2. *Reiterates its call* for an immediate halt to such abuses and to all human rights violations and acts of violence and for the strict observance of all human rights and fundamental freedoms;

3. *Calls upon* the Government of Mali to continue its efforts to protect human rights and to promote national reconciliation, in particular by strengthening the judiciary, developing transitional justice mechanisms and effectively redeploying government services throughout the country;

4. *Notes* the efforts made by the Government of Mali to bring all perpetrators of human rights violations before impartial and independent courts and of its continued cooperation with the International Criminal Court;

5. *Acknowledges* the establishment in Mali of a ministry in charge of national reconciliation and the efforts undertaken by the Government of Mali to place priority on achieving a lasting peaceful settlement of the crisis;

6. *Reiterates its call* for an increase in the participation of women in the national reconciliation process, in conformity with the relevant Security Council resolutions;

7. *Encourages* the Government of Mali to expedite the establishment of the Commission for Dialogue, Truth, Justice and Reconciliation and to allow it to take up its work as soon as possible in order to ensure that the rights of victims to justice, reparation and guarantees of non-repetition of human rights violations are fully recognized;

[1] A/HRC/28/83 and Corr.1.

8. *Welcomes* the signing of the Peace and National Reconciliation Agreement of 1 March 2015 and calls on all Malian parties to sign it;

9. *Encourages* the Malian authorities and all regional and international actors to continue their joint efforts to resolve the crisis in Mali, and urges all such actors to persist in their efforts to consolidate the gains made in the security situation in Mali;

10. *Commends*, in this context, the United Nations Multidimensional Integrated Stabilization Mission in Mali on its work;

11. *Requests* all parties to ensure their strict observance of international human rights law and international humanitarian law;

12. *Welcomes* the organization of free and democratic presidential and legislative elections in Mali and the full restoration of constitutional order in the country;

13. *Reiterates its appreciation* for the humanitarian assistance already provided to members of the population affected by the crisis, and urges the international community to continue to deliver, in consultation with the Government of Mali and the bordering countries concerned, appropriate and secure humanitarian assistance to refugees and displaced persons, particularly in the north of Mali, with a view to facilitating the population's access to basic social services and to establishing the conditions for the country's gradual recovery;

14. *Notes with satisfaction* the close cooperation of the Government of Mali with the Independent Expert in the fulfilment of the mandate entrusted to him;

15. *Acknowledges* the commitments made by the Government of Mali to act upon the recommendations made by the Independent Expert following his visits to the country;

16. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year to permit the evaluation of the human rights situation in Mali and to assist the Government of Mali in its efforts to promote and protect human rights and to strengthen the rule of law;

17. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to assist him to carry out his mandate;

18. *Requests* the Independent Expert, within the bounds of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, neighbouring States and all other international organizations concerned and with Malian civil society and to report thereon to the Human Rights Council at its thirty-first session;

19. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs in order to discharge his mandate fully;

20. *Requests* the High Commissioner to provide technical assistance to the Government of Mali, in particular to the Commission for Dialogue, Truth, Justice and Reconciliation, and to work with the Government to identify other areas of assistance with a view to supporting Mali in its efforts to promote and protect human rights and to strengthen its institutional capacity;

21. *Urges* the international community to continue to provide assistance to Mali to ensure its stability with a view to promoting respect for all human rights and the determined struggle against impunity, which paves the way for national reconciliation, peace and social cohesion;

22. *Decides* to remain seized of this matter.

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria (on behalf of the Group of African States), Belgium,* Croatia,* Denmark,* Israel,* Italy,* Poland,* Portugal: draft resolution

28/... Independent Expert on the enjoyment of human rights of persons with albinism

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Reaffirming that everyone has the right to life, liberty and security of person and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with albinism to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Deeply concerned that in various parts of the world, persons with albinism continue to face barriers to their participation as equal members of society and violations and abuses of their human rights, and conscious that greater attention is needed to address these challenges,

Recalling Human Rights Council resolutions 5/1 on institution-building of the Council, and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the

* Non-member State of the Human Rights Council.

Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Reaffirming the Vienna Declaration and Programme of Action,

Recalling the rights of everyone to the highest attainable standard of physical and mental health and education, as enshrined in the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights treaties,

Recalling also Human Rights Council resolutions 23/13 of 13 June 2013 on attacks and discrimination against persons with albinism, 24/33 of 27 September 2013 on technical cooperation for the prevention of attacks against persons with albinism and 26/10 of 26 June 2014 on International Albinism Awareness Day,

Recalling further General Assembly resolution 69/170 of 18 December 2014, by which the General Assembly decided to proclaim 13 June as International Albinism Awareness Day, with effect from 2015,

Taking note of the preliminary report on persons with albinism submitted by the Office of the United Nations High Commissioner for Human Rights to the Human Rights Council at its twenty-fourth session,[1]

Expressing grave concern at attacks and widespread violations against persons with albinism, including women and children, persons with disabilities and the elderly,

Welcoming all the initiatives and actions taken by all countries to address and combat all forms of violence and discrimination against persons with albinism,

Calling upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into attacks against persons with albinism falling within their jurisdiction, and to bring to justice those responsible, as well as ensure that victims and family members have access to appropriate remedies,

Acknowledging the report of the Office of the High Commissioner,[1] on the call to strengthen international, regional and bilateral cooperation and to undertake activities aimed at supporting measures to prevent and combat discrimination and violence against persons with albinism and assist victims and their family members,

Acknowledging also the report of the Human Rights Council Advisory Committee on the study of the situation of human rights of persons living with albinism[2] and the recommendations therein, including to establish a special procedure mechanism,

1. *Reaffirms* the obligation of States to take all appropriate measures to eliminate violence and discrimination against persons with albinism, and to promote and protect their human rights and fundamental freedoms;

2. *Decides* to appoint, for a period of three years, an Independent Expert on the enjoyment of human rights of persons with albinism, with the following mandate:

(*a*) To engage in dialogue and consult with States and other relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, the private sector and donors;

(*b*) To identify, exchange and promote good practices relating to the realization of the rights of persons with albinism and their participation as equal members of society;

[1] A/HRC/24/57.
[2] A/HRC/28/75.

(*c*) To promote and report on developments, challenges and obstacles towards the realization of the enjoyment of the human rights of persons with albinism in all regions of the world, and to make recommendations to the Human Rights Council in this regard;

(*d*) To gather, request, receive and exchange information and communications from and with States and other relevant sources, including persons with albinism and their representative organizations and other civil society organizations, on violations of the rights of persons with albinism;

(*e*) To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts for the effective realization of the rights of persons with albinism and to prevent violence;

(*f*) To raise awareness on the rights of persons with albinism, and to combat stereotypes, prejudices and harmful traditional practices and beliefs that hinder their enjoyment of human rights and participation in society on an equal basis with others;

(*g*) To promote awareness of their positive contributions, and to inform persons with albinism about their rights;

(*h*) To report to the Human Rights Council, starting from its thirty-first session, and to the General Assembly;

3. *Requests* the Independent Expert to integrate a gender perspective throughout the work of the mandate and to pay specific attention to the challenges and needs of women and girls to address the multiple, intersecting and aggravated forms of discrimination faced by women and girls with albinism;

4. *Calls upon* all States to cooperate with the Independent Expert in the discharge of the mandate, including by providing all information requested, to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries and to consider implementing the recommendations made in the mandate holder's reports;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the human, technical and financial resources necessary for the effective fulfilment of the mandate.